

MICHAEL A. CARDOZO
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

phone: (212) 788-1578
fax: (212) 788-1619
email: samron@law.nyc.gov

June 3, 2009

By Hand

Hon. Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,
MDL No. 1358, Master File No. 1:00-1898 (SAS)
This document relates to:
City of New York v. Amerada Hess, et al., 04 CV 3417 (SDNY)

Dear Judge Scheindlin:

Enclosed is a binder with copies of the City of New York's submissions in support of Plaintiff's Motions *in Limine*, which were filed and served by the City yesterday, in accordance with the schedule established in Case Management Order No. 47. The binders contain the following:

MIL Reply No. 1: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No.1 to exclude evidence or argument that federal or New York law ever required MTBE in gasoline delivered to or sold in the RGA; Declaration of Lesley Williams;

MIL Reply No. 2: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 2 to exclude evidence or argument that federal agencies endorsed or approved the use of MTBE in gasoline;

MIL Reply No. 3: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 3 to exclude expert testimony consisting of legal conclusions, interpreting the law, or regarding legislative or agency motive or intent;

MIL Reply No. 4: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 4 to exclude evidence or argument relating to the risks, toxicity or any other properties of any non-MTBE substances;

MIL Reply No. 5: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 5 to exclude evidence or argument that MTBE does not require remediation at levels above the MCL;

MIL Reply No. 6: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 6 to exclude evidence and argument concerning the liability of non-defendant owners/operators of underground storage tanks;

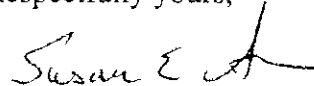
MIL Reply No. 7: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 7 to exclude evidence of the relative toxicity of other contaminants as compared to MTBE;

MIL Reply No. 8: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 8 to exclude evidence or argument concerning the treatment costs associated with other VOCs; Declaration of Lesley Williams;

MIL Reply No. 9: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 9 to exclude evidence of settlement discussions;

MIL Reply No. 10: Plaintiff City of New York's Reply Memorandum in support of its Motion *in Limine* No. 10 to exclude evidence or argument relating to prior regulatory enforcement actions against the City of New York;

Respectfully yours,



Susan E. Amron
Deputy Chief
Environmental Law Division

c: All Counsel (via LNFS)